

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IMRAN KHAN  
(A89 636 549),

Plaintiff,

-against-

ANDREA QUARANTILLO, Director,  
New York City District, United States  
Citizenship and Immigration Services;  
EMILIO T. GONZALES, Director, United  
States Citizenship and Immigration Services;  
MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security;  
MICHAEL MUKASEY, Attorney  
General of the United States;  
ROBERT S. MUELLER, III, Director,  
Federal Bureau of Investigations,

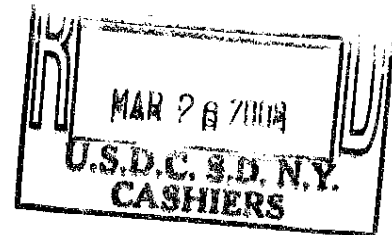
Defendants.  
-----X

COMPLAINT FOR  
WRIT OF MANDAMUS

JUDGE SWAIN

08 CV 3052

Civil Action No. \_\_\_\_\_



Plaintiff, by their attorneys, WILDES & WEINBERG, P.C., hereby allege, upon  
information and belief, as follows:

**INTRODUCTION**

1. This is a civil action brought by Plaintiff, Mr. Imran Khan, to compel Defendants  
to take action on Mr. Khan's application for adjustment of status (Form I-485). Mr. Khan's  
current application for adjustment is based on his marriage to Catherine Strauss, a United States  
citizen, who filed a Petition for Alien Relative (Form I-130) on his behalf on December 11,

2006. The pending application for adjustment of status pursuant to section 245(a) of the Immigration and Naturalization Act (“INA”), 8 U.S.C. § 1255(a), was filed on December 11, 2006, and has yet to be adjudicated.

### **JURISDICTION**

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1361 (*mandamus*).
3. The action seeks to compel the Defendants and those acting under them, pursuant to 28 U.S.C. § 1361, to perform their statutory duty to Plaintiff to adjudicate their application for immigration benefits, which the Defendants have failed to adjudicate.
4. Under 28 U.S.C. § 1361, “(t)he district courts shall have original jurisdiction of any action in the nature of *mandamus* to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”
5. In addition, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331. Under 28 U.S.C. § 1331, “(t)he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
6. This Court has jurisdiction over this action under 28 U.S.C. § 1331 because it arises under the Administrative Procedure Act (“APA”) (5 U.S.C. §§ 702 and 704), and under the INA and regulations implementing it (title 8 of the C.F.R.).
7. Under 5 U.S.C. § 702, “[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute is entitled to judicial review thereof.” Mr. Khan has been adversely affected by the Defendants’ failure to adjudicate Mr. Khan’s application.

8. Under 5 U.S.C. § 704, “final agency action for which there is no other adequate remedy in a court [is] subject to judicial review.” There is no other adequate remedy for the Defendants’ failure to adjudicate Plaintiff’s application other than the instant action.

9. This action arises under the INA and the regulations implementing it because Mr. Imran Khan is seeking immigration benefits that are governed by the INA and its regulations.

10. Jurisdiction is not precluded by INA § 242(a)(2)(B)(ii), 8 U.S.C. § 1252(a)(2)(B)(ii), because this matter does not involve judicial review of an action of Defendants’ relating to an act of discretion. Rather, this action seeks review of the Defendants’ failure to take action on an application that they are required to perform by law.

### **VENUE**

11. Venue of this action is proper under 28 U.S.C. § 1391(e)(3) because Plaintiff resides in this judicial district, and no real property is involved in this action.

### **PARTIES**

12. Plaintiff Imran Khan was born in Barisal, Bangladesh on June 16, 1977, and is a native and citizen of Bangladesh. Plaintiff was married on November 25, 2006, in Memphis, New York. Plaintiff, Imran Khan, filed the application for adjustment of status (Form I-485) at issue in this complaint on December 11, 2006. (See Ex. 1).

13. Defendant Andrea Quarantillo is sued in her official capacity only. She is the New York City District Director of the United States Citizenship and Immigration Services. As such, she is the Department of Homeland Security Secretary’s designate for the New York City District, charged with the duty of administration and enforcement of all the functions, powers, and duties of the USCIS.

14. Defendant Emilio T. Gonzales is the Director of USCIS and is sued in his official capacity only. Defendant Gonzales is charged with the administration of USCIS, a bureau within the Department of Homeland Security, and implementation of the Immigration and Nationality Act, 8 U.S.C. §§ 1101, et seq.

15. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security and is sued in his official capacity only. Defendant Chertoff is charged with the administration of USCIS and implementation of the INA, 8 U.S.C. §§ 1101, et seq. More specifically, the Secretary is responsible for the adjudication of applications for adjustment of status filed pursuant to INA § 255, 8 U.S.C. § 1255.

16. Defendant Michael Mukasey is the Attorney General of the United States and is sued in his official capacity only. Defendant Mukasey is charged with the administration of the Department of Justice, including the Federal Bureau of Investigation.

17. Defendant Robert S. Mueller, III, is the Director of the Federal Bureau of Investigations (FBI) and is sued in his official capacity only. Defendant Mueller is charged with the administration of the FBI.

### **FACTS**

18. Imran Khan and Catherine A Strauss are husband and wife. They have been happily married since 11/25/2006.

19. They reside at 110 Central Park South, #5B, New York, NY 10019.

20. Mr. Khan is a Managing Director at JPMorgan Chase & Co. Mr. Khan is a nationally known U.S. Internet Investment Analyst. Mr. Khan is quoted in the *Wall Street Journal* and other business publications. Mr. Khan has been cited as a leader in the industry. (See Ex. 3,4,5,6, and 7)

21. Plaintiff filed an application for adjustment of status (Form I-485) on December 11, 2006.

22. On March 6, 2007, Plaintiff appeared for an adjustment of status interview before District Adjudications Officer ("DAO") Amariei in Garden City, New York. (See Ex. 1)

23. On March 6, 2007, DAO Amariei informed Plaintiff that his case was approvable but for the FBI name check that was still pending in his case.

24. However, Plaintiff's adjustment of status application remains pending to this date over one year after appearing before DAO Amariei.

25. Plaintiff made numerous inquiries in his immigration matter and was told that his case was still pending because the FBI name check had not yet been completed. (See Ex. 8).

26. The Plaintiff thereafter retained Wildes & Weinberg, P.C.. On January 25, 2008, Wildes & Weinberg, P.C., sent a letter to USCIS by overnight courier inquiring into the status of Mr. Khan's application. This letter was received by USCIS on January 26, 2008. USCIS did not respond to the letter.

27. It has now been over twelve (12) months since Plaintiff's adjustment of status interview. Plaintiff, through previous and current counsel, have made numerous requests to determine the status of Mr. Khan's adjustment application and the delays associated with the approval of the application, but has been told that his case remains pending for security checks.

28. Under the recent USCIS Headquarters Memorandum of Michael Aytes, "Where the application is otherwise approvable and the FBI name check request has been pending for more than 180 days, the adjudicator shall approve the I-485, I-601, I-687, or I-698, and proceed with card issuance." (See Ex. 2) "Revised National Security Adjudication and Reporting Requirements." Michael Aytes, Associate Director of USCIS, (February 4, 2008).

**CLAIMS FOR RELIEF**

29. The allegations contained in paragraphs 1 through 28 above are repeated and realleged as though fully set forth herein.

30. Mr. Khan has complied with all of the requirements for seeking adjustment of status, and he is fully eligible to be granted lawful permanent resident status.

31. Defendants and those acting under them are charged by law with the statutory obligation to adjudicate adjustment of status applications. Defendants owe Plaintiff a non-discretionary duty to adjudicate his application for adjustment of status, and have unreasonably failed to perform that duty. *See generally Przhebelskaya v. U.S. Citizenship and Immigration Services*, 338 F.Supp 2d 399, 405 (E.D.N.Y. 2004) (citing, with approval, cases holding that USCIS has a duty to adjudicate applications for adjustment of status in a reasonable period of time).

32. Defendants have failed to follow USCIS Headquarters' directive on granting I-485 lawful permanent resident applications of otherwise approvable cases where the FBI name check has been pending for over 180 days and the FBI name check is the only issue preventing the grant of lawful permanent residence. (See Ex. 2). Ayles Memorandum (dated February 4, 2008).

33. Defendants' failure to take action on Plaintiff's application for adjustment of status has deprived him of the right to have his application adjudicated. Defendants have deprived Plaintiff of all of the benefits of becoming a lawful permanent resident of the United States, and have deprived Plaintiff of the peace of mind he is entitled to. In addition, naturalization as an American citizen, with the rights and privileges inherent therein, depends upon prior permanent resident status for a period of at least three (3) years. Plaintiff has

therefore been deprived of the right to accumulate the requisite time as a permanent resident before he is eligible for naturalization as a direct result of Defendants' failure to timely adjudicate his application.

34. Plaintiff needs to travel often for his job as a Managing Director in Investment Banking at J.P. Morgan Securities. This position requires world wide travel. It is very difficult for plaintiff to travel on his Bangladeshi passport. Plaintiff is required to go through lengthy visa application processes for each country he would like to visit.

35. As a nationally known investment analyst, Plaintiff could potentially be earning millions more in salary, however, he is being held back by the lack of finality with his immigration status.

36. The delay in processing the applications is not in any way attributable to Plaintiff.

37. Defendants' unreasonable delay and failure to take action on Plaintiff's application for adjustment of status is in violation of the Immigration and Naturalization Act (INA) and the Administrative Procedure Act (APA).

38. By making numerous inquiries about his adjustment of status application to no avail, Plaintiff has exhausted any administrative remedies that may exist. No other remedy exists to resolve Defendants' delay and refusal to act on Plaintiff's application for adjustment of status.

**PRAYER FOR RELIEF**


**WHEREFORE**, Plaintiff pray this Honorable Court to grant the following relief:

- A. Assume jurisdiction herein;
- B. Compel the Defendants and those acting under them to perform their duty or duties to adjudicate Plaintiff application for adjustment of status;
- C. Grant attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act; and
- D. Grant any other and further relief that this Honorable Court may deem just and proper.

Dated: New York, New York  
March 26, 2008

Respectfully submitted.

**WILDES & WEINBERG, P.C.**

By:   
Thomas W. Vanasse (TV 1213)  
Attorney for the Plaintiff  
515 Madison Avenue  
New York, NY 10022  
(212) 753-3468

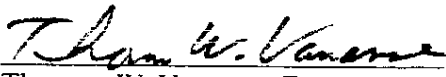


**VERIFICATION**

Thomas W. Vanasse Esq., under penalty of perjury, states that the following:

1. That I am an attorney admitted to practice before this Court. I am an associate in the firm Wildes & Weinberg, P.C., the attorneys for the Plaintiff of the foregoing Complaint.
2. I affirm the truth of the contents of the foregoing Complaint upon information and belief. The sources of my information and belief are documents provided to me by, and conversations with, the Plaintiff.

Dated: New York, New York  
March 25, 2008

  
Thomas W. Vanasse, Esq.



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE January 19, 2007
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			AS A 089 636 549
APPLICATION NUMBER MSC0707412077	RECEIVED DATE December 11, 2006	PRIORITY DATE December 11, 2006	PAGE 1 of 1
IMRAN KHAN c/o SAVILLE A MALLACH 18 EAST 41ST STREET STE 1201 NEW YORK NY 10017			

You are hereby notified to appear for the interview appointment, as scheduled below, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485) and any supporting applications or petitions. Failure to appear for this interview and/or failure to bring the below listed items will result in the denial of your application. (8 CFR 103.2(b)(13))

**Who should come with you?**

- ☐ If your eligibility is based on your marriage, your husband or wife must come with you to the interview.
- ☐ If you do not speak English fluently, you should bring an interpreter.
- ☐ Your attorney or authorized representative may come with you to the interview.
- ☐ If your eligibility is based on a parent/child relationship and the child is a minor, the petitioning parent and the child must appear for the interview.

**\*NOTE:** Every adult (over 18 years of age) who comes to the interview must bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.

**YOU MUST BRING THE FOLLOWING ITEMS WITH YOU:** (Please use as a checklist to prepare for your interview)

- ☐ This Interview Notice and your Government issued photo identification.
- ☐ A completed medical examination (Form I-693) and vaccination supplement in a sealed envelope (unless already submitted).
- ☐ A completed Affidavit(s) of Support (Form I-864) with all required evidence, including the following, for each of your sponsors (unless already submitted):
  - ☐ Federal Income Tax returns and W-2's, or certified IRS printouts, for the past 3 years;
  - ☐ Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months;
  - ☐ Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status.
- ☐ All documentation establishing your eligibility for Lawful Permanent Resident status.
- ☐ Any immigration-related documentation ever issued to you, including any Employment Authorization Document (EAD) and any Authorization for Advance Parole (Form I-512).
- ☐ All travel documents used to enter the United States, including Passports, Advance Parole documents (I-512) and I-94s (Arrival/Departure Document).
- ☐ Your Birth Certificate.
- ☐ Your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status.
- ☐ If you have children, bring a Birth Certificate for each of your children.
- ☐ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:
  - ☐ A certified copy of your Marriage Document issued by the appropriate civil authority.
  - ☐ Your spouse's Birth Certificate and your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;
  - ☐ If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage/former spouse;
  - ☐ Birth Certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you;
- ☐ Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together. This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car, house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship.
- ☐ Original and copy of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records.
- ☐ If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this.
- ☐ A certified English translation for each foreign language document. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate.

**YOU MUST APPEAR FOR THIS INTERVIEW:** If an emergency, such as your own illness or a close relative's hospitalization, prevents you from appearing, call the U.S. Citizenship and Immigration Services (USCIS) National Customer Service Center at 1-800-375-5283 as soon as possible. Please be advised that rescheduling will delay processing of application/petition, and may require some steps to be repeated. It may also affect your eligibility for other immigration benefits while this application is pending.

If you have questions, please call the USCIS National Customer Service Center at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).

PLEASE COME TO: U.S. Citizenship and Immigration Services  
711 STEWART AVENUE  
2ND FLOOR SECTION 245  
GARDEN CITY NY 11530

ON: Tuesday, March 06, 2007  
AT: 08:00 AM

EXHIBIT

REPRESENTATIVE COPY

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Domestic Operations of Immigration  
Washington, DC 20529




U.S. Citizenship  
and Immigration  
Services

FEB 4 - 2008

HQ 70/23 & 70/28.1

## Interoffice Memorandum

TO: Field Leadership

FROM: Michael Aytes   
Associate Director, Domestic Operations

SUBJECT: Revised National Security Adjudication and Reporting Requirements

### Background

U.S. Citizenship and Immigration Services (USCIS) conducts background checks on all applicants, petitioners, and beneficiaries seeking immigration benefits. This is done both to enhance national security and to ensure the integrity of the immigration process. USCIS has previously mandated that FBI name checks be completed and resolved before any positive adjudication can proceed on certain form types. This memorandum modifies existing guidance for applications where statutory immigration provisions allow for the detention and removal of an alien who is the subject of actionable information that is received from the FBI or other law enforcement agencies after approval of the application.

USCIS is issuing revised guidance in response to recommendations of the DHS Office of Inspector General (OIG-06-06) regarding the need to align the agency's background and security check policies with those of U.S. Immigration and Customs Enforcement (ICE). The *Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals* regulations prevent immigration judges and the Board of Immigration Appeals (BIA) from granting benefits to aliens before DHS confirms that all background and security checks have been completed. See 8 C.F.R. § 1003.47(g); 8 C.F.R. § 1003.1(d)(6)(i). In the context of removal proceedings, ICE has determined that FBI fingerprint checks and Interagency Border Inspection Services (IBIS) checks are the required security checks for purposes of the applicable regulations. In the unlikely event that FBI name checks reveal actionable information after the immigration judge grants an alien permanent resident status, DHS may detain and initiate removal proceedings against the permanent resident. See 8 U.S.C. § 1227; see also 8 U.S.C. § 1256 (allowing DHS to rescind an alien's adjustment of status).

EXHIBIT

2

www.uscis.gov

Revised National Security Adjudication and Reporting Requirements  
Page 2

**Revised Guidance**

A definitive FBI fingerprint check and the IBIS check must be obtained and resolved before an Application for Adjustment of Status (I-485), Application for Waiver of Ground of Inadmissibility (I-601), Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (I-687), or Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of Public Law 99-603) (I-698) is approved. USCIS will continue to initiate FBI name checks when those applications are received. Where the application is otherwise approvable and the FBI name check request has been pending for more than 180 days, the adjudicator shall approve the I-485, I-601, I-687, or I-698 and proceed with card issuance. The FBI has committed to providing FBI name check results within this timeframe.

There is no change in the requirement that FBI fingerprint check, IBIS check and FBI name check results be obtained and resolved prior to the adjudication of an Application for Naturalization (N-400).

Pending further guidance regarding post-audit reporting and tracking requirements and modifications to associated quality assurance procedures, applications approved pursuant to this memorandum shall be held at the adjudicating office. If derogatory or adverse information is received from the FBI after the application is approved, USCIS will determine if rescission or removal proceedings are appropriate and warranted.

Subject to the reporting requirements set forth in the February 16, 2007, memorandum titled "FBI Name Checks Policy and Process Clarification for Domestic Operations," an application or petition may be denied, dismissed, administratively closed, withdrawn, or referred to the Immigration Court at any time.

Questions regarding this memorandum should be directed through appropriate supervisory and operational channels. Local offices should work through their chain of command.

**Distribution List:**

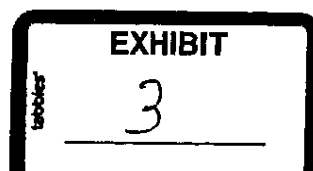
Regional Directors  
Service Center Directors  
District Directors (except foreign)  
Field Officer Directors (except foreign)  
National Benefits Center Director

STATE OF NEW YORK )  
 ) ss.: 653-01-8911  
COUNTY OF NEW YORK )

**AFFIDAVIT IN SUPPORT OF MANDAMUS AND REQUEST FOR  
ADJUDICATION OF ADJUSTMENT APPLICATION NOW  
PENDING FOR OVER ONE YEAR**

I, Imran Khan, being duly sworn, state the following under the penalties  
of perjury:

1. I currently reside at 110 Central Park South, Apt. 5B, NY, NY 10019.
2. I was born on June 16, 1977 in Barisal, Bangladesh.
3. I am a citizen of Bangladesh.
4. I am a person of good moral character and I have never been arrested or  
convicted of any crime in the United States or anywhere else in the world.
5. I applied for lawful permanent residence on December 11, 2006. My  
Lawful Permanent Resident application was based upon my marriage to  
my wife, Catherine Strauss Khan.
6. I was interviewed on this application on March 6, 2007 at the Garden City  
Office of the United States Citizenship & Immigration Service.
7. I was interviewed by DAO Amariei.
8. The officer informed my wife and I that our application is approved  
pending the background security checks.



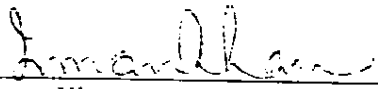
9. Since the interview I have made several inquiries into the status of my case and I have been told by Immigration Officers that my case is still pending security background checks.
10. I attended Dhaka College in Dhaka, Bangladesh. I obtained my 12 year High School Certification in 1996.
11. My father, Mohammad Shahjahan Khan, is a partner in a ship chartering company in Bangladesh. My father travels to the United once per year to visit me and to conduct business. My father has a multi-entry visitor's visa to enter the United States.
12. I first entered the United States on January 1, 1997. I entered the United States with an F-1 Student Visa in order to study at the University of Denver. I have always maintained lawful immigration status while living in the United States. I appeared for special registration on 3/3/20003.
13. I majored in economics and finance, receiving a Bachelor of Science degree in Business Administration in June 2000 from the University of Denver.
14. Upon completion of my studies I performed my optional practical training at ING Barings, LLC, in New York City. This is an investment bank.
15. ING Barings, LLC, sponsored me for an H1B visa. I received approval of my H1B visa on 2/1/2001.
16. After ING Barings, LLC, I worked at Fulcrum Global Partners, in New York City from 2001 to 2004. I started as an Associate Analyst. By the time I left the firm I had been promoted to Managing Director.

17. In 2004, upon leaving Fulcrum Global Partners, I was hired by J.P. Morgan Securities also located in New York City. I was hired as Vice President in the Investment Banking Division.
18. While at J.P. Morgan, I was ranked as the number 2 rated analyst by the Institutional Investor Magazine Survey. I obtained this ranking in 2005, 2006, and 2007. This ranking was based on my performance in predicting internet stock's performance.
19. I was promoted to Executive Director in 2006. I was promoted to Managing Director in 2007 for my outstanding performance. I am one of the youngest Managing Directors at JPMorgan Investment Banking.
20. I first met my wife, Cate, in 2002. We met at a restaurant called Houston through a mutual friend. We began dating in 2005. We were married on November 25, 2006. My wife is Senior Brand Manager at L'Oreal. She received her undergraduate degree from Cornell University in 1999. She received her MBA from Wharton School of Business, University of Pennsylvania, in 2005.
21. I have been waiting for my green card for approximately one year at this time. I do not understand why my security background check could be taking so long. I plan on becoming a United States Citizen as soon as possible. I love my adopted country. Delaying my green card leads to a delay in my eventually obtaining my United States Citizenship.
22. I need to travel a lot for my job as a Managing Director in Investment Banking. This position requires world wide travel. It is very difficult to

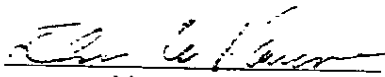
travel on my Bangladeshi passport. I am required to go through lengthy visa application processes for each country I would like to visit.

23. It is also more difficult for me to change jobs in my field. As one of the top ranked financial analysts in the United States for the Internet industry, I am often solicited for new job opportunities. Prospective employers prefer that my immigration status be completely settled.

I respectfully request that my application for lawful permanent residence be adjudicated as quickly as possible.

  
Imran Khan

Sworn and subscribed to before me  
On this 24<sup>th</sup> day of January of 2008

  
Notary Public

THOMAS J. VANASSE  
NOTARY PUBLIC  
NEW YORK  
STATE OF NEW YORK  
JAN 24 2008



**Imran Khan**

110 Central Park South, Apt. 8B

New York, NY 10019

H: (917) 617-3327

W: (212) 622-6693

*Imran.khan@jpmorgan.com***EXPERIENCE**  
2004-Present**JP MORGAN SECURITIES**  
*Managing Director (2007- Present)*  
*Executive Director (2007)*  
*Vice President (2004- 2007)*

New York, NY

- Lead equity analyst covering US Internet and diversified Media stocks including GOOG, EBAY, YHOO, AMZN, TWX, NWS, DIS. Total market cap of covered companies is approximately \$500 billion. Manages a team of 7 associates and analysts
- Global Internet research coordinator. Increased collaboration amongst internet analysts in different geographies to develop global thematic views and identify cross border investment opportunities
- Ranked #2 in the Institutional Investors Poll (the broadest asset manager poll) in 2005, 2006, & 2007
- Ranked #2 in the Alpha Magazine Hedge Fund Survey in 2006
- Ranked #3 in the Greenwich Research Poll in 2005 and 2006
- Ranked top 10 franchise contributor in the JPMorgan institutional sales poll. Also, ranked top 10 in the internal commission dollar vote survey
- Authored the seminal research report called *Nothing But Net*— the most downloaded JPMorgan equity research report in 2006 and 2007
- Presented investment and industry views at various conferences including Content Week, Young & Rubicam Digital Day, JPMorgan Internet conference, and Paper Week 2006.
- Maintains regular dialogue with 1000+ institutional clients of JPMorgan

## 2001- 2004

**FULCRUM GLOBAL PARTNERS**  
*Managing Director (2004)*  
*Vice President (2003)*  
*Associate Analyst (2001-2002)*

New York, NY

- Lead analyst covering Internet technology and software vendors
- Ranked among the top ten analysts in the Fulcrum institutional sales poll
- Ranked among the top five stock pickers in the Fulcrum Institutional Sales Poll
- Performed regular industry channel checks to effectively monitor the companies under coverage
- Worked closely with research sales and sales traders to generate \$1.0M+ trading commissions in '03 on covered names

## 2000- 2001

**ING BARINGS**  
*Analyst, Investment Banking*

New York, NY

- Completed sales of Clintrials research to Inverness for \$115 million in cash
- Concluded \$65M IPO for Harvard Bioscience
- Completed \$25M secondary offerings for FTI consulting
- Developed earnings models, performed comparable company analysis and constructed accretion dilution models
- Performed industry research to build effective client presentations

**EDUCATION**  
1997-2000**THE DANIELS COLLEGE OF BUSINESS, UNIVERSITY OF DENVER**  
Bachelor of Science in Business Administration  
Major: Economics and Finance**INTERESTS**

Enjoys cricket, squash, golfing, and soccer. Contributor to Save the Children and Mothers2Mother.





James Dimon  
Chairman & Chief Executive Officer

April 9, 2007

Imran Khan  
Managing Director  
JPMorgan Chase & Co.  
277 Park Avenue, Floor 10  
New York, NY 10172

Dear Imran:

Congratulations on your promotion to Managing Director. It is a truly outstanding achievement and we appreciate all of the hard work it took to get there. I hope you take the time to celebrate it.

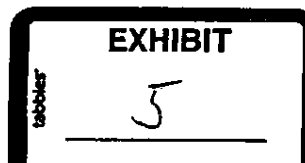
I look forward to working with you as we build the best financial services company in the world.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Dimon', with a large, stylized initial 'J'.

JPMorgan Chase & Co. • 270 Park Avenue, 8th Floor, New York, NY 10017-2014

Telephone: 212 270 1111 • Facsimile: 212 270 1121  
jamie.dimon@jpmchase.com



# LEADING THE NEWS

# Yahoo Ad System Fails to Lift Net

## Revenue Growth Declines; Project Benefits Are Seen Slumping Up in 2nd Period

ing that some estimate represents about one-third of Yahoo's revenue. In addition, the first quarter of last year included revenue

Yahoo	Quarter	Revenue
Net: 11%	(Yahoo)	\$32.06
1Q07	1Q06	\$24
1Q2	1Q0	\$30

compared with 13% in the fourth quarter, 1999 growth in the third quarter and 26% in the second quarter from their year-earlier net

By KEVIN J. DELANEY

Yahoo Inc. recently overhauled its online advertising system, giving some investors hope for a positive earnings surprise. So far, that hope hasn't materialized.

The Sumnervale, Calif., company reported an 11% drop in first-quarter profit as its revenue growth rate continued a steady decline. Yalows's shares fell about 8% in after-hours trading.

Some investors had raised hopes for the company's first-quarter results following a major overhaul of Yahoo's online advertising system dubbed Project Panama that was rolled out in recent months. But Yahoo's revenue was in line with its earlier protection, and it stuck to its outlook for the year. The company reiterated earlier predictions that financial benefits from Panama, which includes big changes to its search-ad system designed to boost Yahoo revenue, will start kicking in during the second quarter.

Analysts said the first quarter had been expected to be a tough one when compared with earlier quarters, with benefits from Panama not yet arriving and increased competition for the graphical display advertising.

ing that some estimate represents about one-third of Yahoo's revenue. In addition, the first quarter of last year included revenue from ad brokering for Microsoft Corp., which has since been discontinued, making for tougher compar-

**When commissions**  
**paid to marketing part-**  
**ners were factored**

that basis of \$1.95 billion to \$5.45 billion.

Yahoo reported its results after regular trading hours. In 4 p.m. Nasdaq Stock Market composite trading, shares were up 48 cents to \$32.03. That is about 25% higher than their level at the beginning of the year and 4% above 12 months earlier. In after-hours trading, Yahoo shares fell about 8% to \$29.51.

"People were expecting a possibility of upward guidance and we didn't get that so the stock is giving back some of its recent gains," said Rob Sanderson, an analyst at American Technology Research. "This should be the toughest quarter, that was the expectation going in."

Revenue Growth continued to decline at Yahoo. Revenue rose 7% in the first quarter.

Yahoo		Daily closes		5-74
Price:	115	(YHOO)		\$12.09--23
High:	140.7	10/06		30
Low:	142	160		
EPS (5Y):	0.10	0.11		76
EPS (1Y):	0.11			
Rev:	1,672	1,567	P, L, F, I, M, A, Z	22
Dividend breakdown:				
U.S.	L469	1,351	Int'l	203
				180

\* In trading of derivatives, Analysts recommend either buy, sell, hold  
 (no opinion), or abstain, as they evaluate certain conditions or disclose their  
 perception

J.P. Morgan Securities Inc. analyst Imrann Khan said that the

J.P. Morgan Securi-

**She Will Always Know**

## EXHIBIT

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**120000**

Wednesday, April 18, 2001

Buy-side investors rely on investment banks' analysts for accuracy in equity performance and early forecasting of trend changes. We selected them based on nominations from industry insiders, as the top analysts that are trusted by a wide range of communities, and who have real impact on the sectors they cover.

ALL-STAR INDUSTRY ANALYSTS

## Consumer Software

**MANAGING DIRECTOR, GOLDMAN SACHS**  
**SECTOR:** Internet, entertainment, and cable  
**INTEREST:** Noted top honors for the fifth consecutive year in *Institutional Investor's* ranking of All-Star Analysts. His ability to forecast early and successfully which stocks are moving against their sector trends is just one reason why buy-side investors love him.

**INTERNET ANALYST, CITIGROUP**  
**SECTOR:** Internet

**BULLISH ON:** Monster, Worldwide  
**INTEREST:** Ranked second among earnings estimators in Internet software and services in 2007 by *Forbes*.

**MANAGER, JEFFERIES & CO.**  
**SECTOR:** Internet software and services

**COMPANIES UNDER COVERAGE INCLUDE:** CNet Networks, Dice Holdings, EarthLink, eBay, Google, Netflix, Omnitel, Shutterstock, United Online, ValueClick, Yahoo  
**INTEREST:** Ranked first among earnings estimators in Internet software and services in 2006 by *Forbes*.

**ANALYST, GLOBAL SECTOR COORDINATOR, JPMORGAN**  
**SECTOR:** Internet software and services

**COMPANIES UNDER COVERAGE INCLUDE:** CNet Networks, eBay, Expedia, Google, IAC, Innerworkings, Liberty Media, Shutterstock, Houzevalues, Viacom, Yahoo  
**BULLISH ON:** ValueClick and eBay

**MANAGING DIRECTOR AND RESEARCH ANALYST, PRIMECAP PARTNERS**  
**SECTOR:** Gaming

**BULLISH ON:** Gaming Partners  
**WHAT PRIMECAP PROGRESSIVE GAMING INTERNATIONAL**  
**INTEREST:** Mangini earned an MS in quantitative analysis from Boston University and a BA in finance from the University of San Diego.

ALL-STAR INDUSTRY ANALYSTS

## Devices and Components

**MANAGING DIRECTOR, THOMAS WEISEL PARTNERS**  
**SECTOR:** Enterprise Hardware  
**COMPANIES UNDER COVERAGE INCLUDE:** Dell, Seagate, Data Domain, Hewlett-Packard, Apple, Network Appliance, Netezza, Western Digital, Sun Microsystems, QLogic, Cray  
**INTEREST:** In 2006, Hunt was named a "Best of The Street" analyst by the *Wall Street Journal* and included in the "Best Brokerage Analysts" list for stock picking by *Stammine*, *Forbes.com*.

ALL-STAR INDUSTRY ANALYSTS

**MANAGING DIRECTOR, UBS**  
**SECTOR:** Hardware  
**COMPANIES UNDER COVERAGE INCLUDE:** Dell, EMC, Sun Microsystems, Lexmark International, Xerox, Electronics for Imaging, Network Appliance  
**BULLISH ON:** Apple Computer, EMC  
**INTEREST:** Retzkes is the top analyst for the sixth consecutive year in *Institutional Investor's* ranking of All-Star Analysts.

ALL-STAR INDUSTRY ANALYSTS

## Enabling Technologies

**MANAGING DIRECTOR, UBS**  
**SECTOR:** Software applications  
**BULLISH ON:** VMware  
**WHAT PRIMECAP PARTNERS**  
**INTEREST:** Ranked as top software analyst in 2006 by *Institutional Investor*.

**VICE PRESIDENT, GOLDMAN SACHS**  
**SECTOR:** Infrastructure software industry (security and systems management)  
**INTEREST:** Friar has a master's degree in engineering from Oxford University and an MBA from Stanford Graduate School of Business, where she graduated as an Arjay Miller Scholar.

**MANAGING DIRECTOR AND SENIOR RESEARCH ANALYST, JEFFERIES & CO.**  
**SECTOR:** Infrastructure software industry

**IN APPLICATION INFRASTRUCTURE, SECURITY SOFTWARE**  
**BULLISH ON:** VMware  
**INTEREST:** Ebyart earned an MBA in finance from the University of Minnesota and a Bachelor of Science in electrical engineering from Villanova University.

**MANAGING DIRECTOR AND SENIOR RESEARCH ANALYST, PIPELIFE PARTNERS**  
**SECTOR:** Security and design software

**COMPANIES UNDER COVERAGE INCLUDE:** Adobe Systems, Apple, Autodesk, Baidu.com, CheckPoint, CNet Networks, Google, McAfee, Move.com, Symantec, VeriSign, Yahoo  
**BULLISH ON:** Apple

ALL-STAR INDUSTRY ANALYSTS

## Enterprise

**VICE PRESIDENT AND SENIOR RESEARCH ANALYST, MORGAN STANLEY**  
**SECTOR:** Security and content management technology  
**INTEREST:** In his role as a leading analyst, Peter maintains relationships with significant research labs which include the U.S. government's PNNL software entrepreneurs, and management teams. Kuper is also a faculty member of the Institute for Applied Network Security.

**GLOBAL DIRECTOR, EQUITY RESEARCH SOFTWARE, CREDIT SUISSE**  
**SECTOR:** Software (applications, infrastructure, and on-demand computing)  
**COMPANIES UNDER COVERAGE INCLUDE:** RightNow Technologies, Adobe Systems, VMware  
**INTEREST:** In February 2004, Maynard launched the On Demand Index to track the rise of on-demand business models and the trend of software as a service. *InformationWeek* named Maynard to its 2005 "Innovators and Influencers" list based on his work in the field.

ALL-STAR INDUSTRY ANALYSTS

## Green

**SECTOR:** Research Analyst, Morgan Stanley  
**SECTOR:** Green technology and cleantech

**SECTOR:** Clean energy and its growth drivers (renewable, economics, energy security, and environment)

## Infrastructure

**SECTOR:** Enterprise computing and peripherals

**COMPANIES UNDER COVERAGE INCLUDE:** Data Domain, Dell, EMC, Hewlett-Packard, IBM, Sun Microsystems, Lexmark, Seagate, Isilon Systems, Network Appliance, QLogic  
**INTEREST:** In May 2007, Conigliaro ranked as *Stammine's* top equity analyst among her peers, regardless of industry, based on the quality of her earnings estimates. She placed second in her specialty of computers and peripherals.

**MANAGING DIRECTOR AND SENIOR RESEARCH ANALYST, COWI & COMPANY**  
**SECTOR:** Telecommunications, data and Internet, and satellite services

**COMPANIES UNDER COVERAGE INCLUDE:** Akamai, Cogent Communications, Comcast, Cablevision, Systems, EchoStar, DirecTV, Cinva, Level 3, Sprint Nextel, Sirius Satellite Radio, AT&T, Time Warner, Verizon, WorldSpace, XM Satellite Radio  
**INTEREST:** Previously, Watts held senior positions at Bear Stearns, Ascent Communications Advisors, and Booz Allen & Hamilton. He received an MBA from Harvard Business School and an AB from Stanford University.

ALL-STAR INDUSTRY ANALYSTS

## Mobile

**MANAGING DIRECTOR AND SENIOR ANALYST, DEUTSCHE BANK**  
**SECTOR:** Wireless telecommunications equipment  
**COMPANIES UNDER COVERAGE INCLUDE:** Rockwell International, for four years as a manufacturing supervisor on the Ship Communications and Control Systems program and four years in navigation systems testing. Prior to Rockwell, he tested and repaired communication and navigation systems for the U.S. Navy.

**VICE PRESIDENT, GOLDMAN SACHS**  
**SECTOR:** Mobile Internet and media services  
**INTEREST:** Mehta has participated in over 20 IPOs, including Yahoo's. He has a BS from MIT where he worked on several research projects that led to patented products in the biomedical and mechanical engineering fields.

**ANALYST, JPMORGAN**  
**SECTOR:** Telecommunications equipment  
**BULLISH ON:** Cisco's Q2 profit turnaround  
**COMPANIES UNDER COVERAGE INCLUDE:** Acme Packet, Aris Group, Ciena Group, F5 Networks, Nortel, Qualcomm, Tellabs, Aruba Networks  
**INTEREST:** Gelblum took top honors for the second consecutive year in *Institutional Investor's* "All Star Analysts" list.

EXHIBIT

tabbles

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228 East 45th Street 17th Floor  
New York, NY 10017  
tel 646-442-3450 fax 646-442-3456

LAW OFFICES OF

SAVILLE A. MALLACH PLLC

March 7, 2007

Via FedEx

U.S. Citizenship and Immigration Services  
711 Stewart Avenue  
Garden City, NY 11530

ATTN: OFFICER AMARIEL / I-485 UNIT

Re: Matter	I-485 Application to Adjust Status
Applicant	<u>KHAN</u> , Imran
Alien Reg. #	A089636549
I-485 Receipt #	MSC0707412077

Dear Sir or Madam:

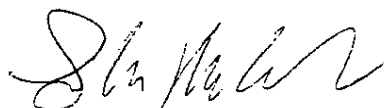
My law firm represents Mr. Imran Khan, the applicant, in connection with, among other matters, an I-485 Application to Adjust Status pursuant to a petition for an immediate alien relative. Form G-28 is currently on file. The receipt number for the Form I-485 is MSC0707412077, and a copy of the I-797C interview notice is enclosed herewith.

My client and his United States citizen/petitioner spouse, Ms. Catherine Strauss, attended their I-485 interview with you yesterday morning. My clients indicated that you advised them that the file was in order, subject to completion of a security/background check and submission of a copy of their formal marriage certificate.

After the interview, my clients obtained the requested document and delivered it by hand to 711 Stewart Avenue. Recognizing that the facility receives a tremendous amount of mail, I hereby enclose a duplicate copy for your review and records in the event that you did not receive the document that was hand-delivered by my client.

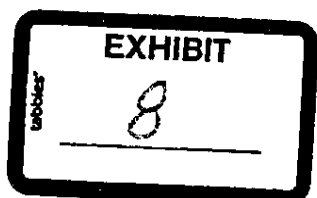
Thank you in advance for your attention to this matter, and please call me if I can be of any assistance.

Very truly yours,



Saville Mallach

Enclosures.



118 East 45th Street, 17th Floor  
New York, NY 10017  
Tel: 646-442-6450 Fax: 646-442-6456

LAW OFFICES OF  
SAVILLE A. MALLACH PLLC

October 5, 2007

Via FedEx

U.S. Citizenship and Immigration Services  
711 Stewart Avenue  
Garden City, NY 11530

ATTN: OFFICER AMARIEI / I-485 UNIT

Re: Matter	Status Inquiry regarding I-485 Application to Adjust Status
Applicant	<u>KHAN</u> , Imran
Alien Reg. #	A089636549
I-485 Receipt #	MSC0707412077

Dear Sir or Madam:

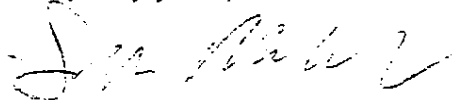
My law firm represents Mr. Imran Khan, the applicant, in connection with, among other matters, an I-485 Application to Adjust Status pursuant to a petition for an immediate alien relative. Form G-28 is currently on file. The receipt number for the Form I-485 is MSC0707412077, and a copy of the I-797C interview notice is enclosed herewith.

My client and his United States citizen/petitioner spouse, Ms. Catherine Strauss, attended their I-485 interview with you on March 6, 2007. My client indicated that you advised them that the file was in order, subject to completion of a security/background check and submission of a copy of their formal marriage certificate.

After the interview, my client obtained a copy of the formal marriage certificate and delivered it by hand to 711 Stewart Avenue. Subsequent thereto, my client has not received any further correspondence or notifications in connection with his application. More than 180 days have passed since my client attended the aforementioned interview, and I accordingly request that the USCIS advise me as to the current status of this matter.

Thank you in advance for time and your attention, and please call me if I can be of assistance.

Very truly yours,



Saville Mallach

Enclosures.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
IMRAN KHAN (A89 636 549),  
:  
:  
Plaintiff,  
:  
:  
-against-  
:  
:  
ANDREA J. QUARANTILLO, Director,  
:  
New York City District, United States  
:  
Citizenship and Immigration Services;  
:  
EMILIO T. GONZALES, Director, United  
:  
States Citizenship and Immigration Services;  
:  
MICHAEL CHERTOFF, Secretary,  
:  
Department of Homeland Security;  
:  
MICHAEL MUKASEY, Attorney :  
General of the United States;  
:  
ROBERT S. MUELLER, III, Director,  
:  
Federal Bureau of Investigations,  
:  
Defendants.  
:  
-----X

Civil Action No. 08 CV 3052

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**COMPLAINT**

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THOMAS W. VANASSE  
SDNY Bar#TV1213  
Wildes & Weinberg P.C.  
515 Madison Ave.  
New York, NY 10022  
Phone: (212) 753-3468  
Fax: (212) 753-3866  
tvanasse@wildesweinberg.com